IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

OP.No. 5461 of 2003(A)

PETITIONER:
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1. NISSAR.C.A. CHERUTHOTTIL HOUSE,
AVOLI PANCHAYATH, ADOOPARAMBU,
MOOVATTUPUZHA.

2. A.S.SASIDHARAN, ALUMCHUVATTIL HOUSE,
CHENGANNUR, ALAPPUZHA DISTRICT.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL
SRI.BINOY VASUDEVAN

RESPONDENTS:
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1. THE DISTRICT EXECUTIVE OFFICER,
MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
PATHANAMTHITTA.

2. THE VILLAGE OFFICER, PANDANADU VILLAGE,
CHENGANNUR TALUK.

3. THE DEPUTY TAHSILDAR (RR), CHENGANNUR.

4. THE SECRETARY TO GOVT., LABOUR &
REHABILITATION DEPARTMENT, THIRUVANANTHAPURAM.

R1 BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO.9561/2003 IN O.P. NO.5461/2003

DISMISSED:

19.12.2006 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF RELEVANT PAGES OF THE R.C. BOOK IN RESPECT OF THE STAGE CARRIAGE KL.7/Q.4608.

P2: TRUE OCPY OF PERMIT IN RESPECT OF STAGE CARRIAGE KL.7/Q.4608.

P3: RUE COPY OF THE RECEIPT VIDE CHALAN NO.4897 DT.3.4.2000 FOR PAYMENT OF RS.15191/-.

P4: TRUE COPY OF THE COMMUNICATION DT.30.1.2002 ISSUED FROM THE OFFICE OF THE MINISTER FOR REVENUE & LAW, GOVT. OF KERALA.

P5: TRUE COPY OF THE FINAL DETERMINATION ORDER DT.29.12.2000.

P6: TRE COPY OF THE DEMAND NOTICE DT.21.6.2001 VIDE K.DIS.B10.24857/2001 DT.15.6.01 OF DCA.

P7: TRUE COPY OF COMMUNICATION DT.30.10.2002.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.5461 of 2003

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Dated this the 19th day of December, 2006.

JUDGMENT

The O.P. was filed challenging proceedings for recovery of Motor Transport Workers Welfare Fund dues during pendency of appeal filed against final determination order. The O.P. itself was filed in 2003 and by now appeal would have been disposed of. If appeal is not disposed of even now, there will be direction to the Government to dispose of appeal within two months from the date of production of copy of this judgment. If appeal is still pending, then there will be direction to the respondents to withhold recovery proceedings for two months from now. However, if appeal is disposed of, then recovery can be continued subject to orders in appeal. The petitioner is free to obtain copies of appellate orders from the Government or from the Executive Officer.

The O.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms